

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JASMINE PAUL SANCHEZ,

Plaintiff,

v.

CHET RIGNEY,

Defendant.

Case No. 3:22-cv-00109-ART-CLB

ORDER ADOPTING REPORT AND
RECOMMENDATION (ECF NO. 35)
AND GRANTING MOTION FOR
SUMMARY JUDGMENT (ECF NO. 23)

Pro se Plaintiff Jasmine Paul Sanchez, an inmate at Ely State Prison, brings this action under 42 U.S.C. § 1983 against Defendant Chet Rigney alleging sexual harassment and excessive force. Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Carla Baldwin (ECF No. 35), recommending the Court grant Defendant’s motion for summary judgment. Mr. Sanchez originally had until September 20, 2023 to file an objection to Judge Baldwin’s R&R and was given an extension to March 15, 2024. (See ECF Nos. 35 at 12; 40.) As of today, no objection has been filed. For this reason, and as explained below, the Court adopts the R&R and grants Defendant’s motion for summary judgment.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis

1 in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that
2 the Court “need only satisfy itself that there is no clear error on the face of the
3 record in order to accept the recommendation.”).

4 Because there is no objection, the Court need not conduct *de novo* review
5 and is satisfied Judge Baldwin did not clearly err. Judge Baldwin recommends
6 summary judgment in favor of Defendant because there is no genuine issue of
7 material fact as to whether Mr. Sanchez was subject to sexual harassment or
8 excessive force. Mr. Sanchez has provided the Court with no evidence to support
9 his claims, has not contested Defendant’s motion, and has not objected to Judge
10 Baldwin’s R&R. Further, the evidence provided by Defendant demonstrates that
11 the instances of which Mr. Sanchez complains do not constitute sexual
12 harassment or excessive force, as a matter of law.

13 Having reviewed the R&R and the record in this case, the Court is satisfied
14 that Judge Baldwin did not clearly err and adopts the R&R in full.

15 It is therefore ordered that Judge Baldwin’s Report and Recommendation
16 (ECF No. 35) is accepted and adopted in full.

17 It is further ordered that Defendant’s Motion for Summary Judgment (ECF
18 No. 23) is granted.

19 The Clerk of Court is directed to enter judgment accordingly and close this
20 case.

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22 Dated this 26th day of March 2024.

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25 ANNE R. TRAUM
26 UNITED STATES DISTRICT JUDGE
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